

## **REMARKS/ARGUMENTS**

Claim 11 has been amended to more clearly claim the direct flow of environmental air at atmospheric pressure through the intake ports 34 to the combustion chamber 26 without any intervening intake pressure apparatus, such as scavenging from a crankcase or external compression, blower or pumping apparatus to increase air pressure prior to entry in the combustion chamber. The structure of the instant application engine, including the specific size retro-tube claimed, allows the engine to perform with non-pressurized air introduced into the combustion chamber. This is not the manner in which 2-stroke engines operate as can be seen in all of the referenced art. Pressurizing the intake air to the combustion chamber would reduce performance of the instant invention.

Claim 11 has been rejected under 35 USC 102 (b) as being anticipated by Andreasson, et al. (U.S. 6,152,092) and Gomez, et al. (U.S. 5,051,909). The environmental, atmospheric pressure air for Andreasson appears to enter the apparatus at 24. The air is then compressed in the crankcase (not numbered) prior to entering the combustion chamber 17. Therefore, compressed air is forced in the combustion chamber.

The environmental, atmospheric pressure air for Gomez is not illustrated, but appears to enter prior to valve 22 and passes through the transfer passage 30 to enter the crankcase 18. The air is then compressed and routed to inlet 34 to enter the combustion chamber 40. The engine is described as a scavenged two-stroke engine (Column 3, lines 37, 38). Again the air is pressurized prior to entering the combustion chamber.

Base on the clarifying amendment to claim 11, it is believed claim 11 is distinguished from the cited art for two-stroke engines and should be allowed. Existing two-stroke engines use compressed air for introduction into the combustion chamber.

Claim 12 has been amended to agree with the original Figures of the disclosure, namely, the plenum chamber 16 diameter is approximately 3 times the retro-tube 14, see Figures 1 and 2.

Claim 14 has been amended to agree with the original Figures of the disclosure regarding the

opening of the exhaust port 32 timing. As can be seen in Figure 2 the exhaust port 32 opens after approximately 90 to 100 degrees of rotation of the crankshaft.

Claim 14 has been allowed. Claims 12 and 13 have been found allowable and claim 11 should be allowed.

It is believed with the clarifying remarks and the amendments that the uniqueness of the instant invention is not disclosed in the cited art.

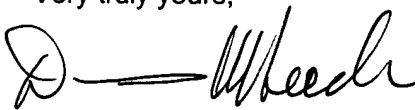
Accordingly it is believed that the rejections under 35 USC Section 102(b) have been overcome by amending of the claims and the remarks, and withdrawal thereof is respectfully requested.

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration of the cause for rejections and objections is requested. Allowance of claims 11 through 14 is earnestly solicited.

No additional fee for claims is seen to be required.

If you have any questions do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dennis W. Beech", with a stylized initial "D" and a long horizontal stroke.

DENNIS W. BEECH  
Reg. No.: 35,443  
Customer No. 042794

DWB/ab



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In regards to application of:

Serial Number: 10/758,839  
Applicant: James W. Lacey  
Filing Date: 01-16-2004  
Title: Engine Exhaust System  
TC/AU: 3747  
Examiner: Hyder Ali

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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7 Pages of response

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